

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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DR. DOUGLAS SCHOTTENSTEIN, M.D., et., al,

Case No. 1:22-cv-01197

Plaintiffs,

ANSWER

v.

DEREK LEE, et., al.

Defendants.

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Defendant KONG H. CHAN, (“Defendant”) by and through his attorneys Spodek Law Group P.C., as and for its Answer to the complaint (the “Complaint”) by Plaintiffs, as follows:

1. Defendant denies the allegations as to him and lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint as to the other answering defendants.

2. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint.

3. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 3 of the Complaint.

4. Defendant denies the allegations as to him, and lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4 of the Complaint as to the other answering defendants.

5. Defendant denies the allegations as to him and lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Complaint as to the other answering defendants.

6. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6 of the Complaint.

7. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7 of the Complaint.

8. Defendant admits the allegations as to him, and lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint as to the other answering defendants.

9. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint.

10. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 10 of the Complaint.

11. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 11 of the Complaint.

12. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 12 of the Complaint.

13. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint.

14. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint.

15. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 15 of the Complaint.

16. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 16 of the Complaint.

17. Defendant admits the allegations contained in Paragraph 17 of the Complaint.

18. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 18 of the Complaint.

19. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 19 of the Complaint.

20. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint.

21. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 21 of the Complaint.

22. Defendant denies the allegations as it pertains to him, and Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 22 of the Complaint as it pertains to the other answering defendants.

23. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 23 of the Complaint.

24. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 24 of the Complaint.

25. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 25 of the Complaint.

26. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 26 of the Complaint.

27. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 27 of the Complaint.

28. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 28 of the Complaint.

29. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 29 of the Complaint.

30. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 30 of the Complaint.

31. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 31 of the Complaint.

32. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 32 of the Complaint.

33. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 33 of the Complaint.

34. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 34 of the Complaint.

35. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 35 of the Complaint.

36. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 36 of the Complaint.

37. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 37 of the Complaint.

38. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 38 of the Complaint.

39. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 39 of the Complaint.

40. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 40 of the Complaint.

41. Defendant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 41 of the Complaint.

42. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 42 of the Complaint.

43. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 43 of the Complaint.

44. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 44 of the Complaint.

45. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 45 of the Complaint.

46. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 46 of the Complaint.

47. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 47 of the Complaint.

48. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 48 of the Complaint.

49. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 49 of the Complaint.

50. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 50 of the Complaint.

51. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 51 of the Complaint.

52. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 52 of the Complaint.

53. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 53 of the Complaint.

54. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 54 of the Complaint.

55. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 55 of the Complaint.

56. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 56 of the Complaint.

57. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 57 of the Complaint.

58. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 58 of the Complaint.

59. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 59 of the Complaint.

60. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 60 of the Complaint.

61. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 61 of the Complaint.

62. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 62 of the Complaint.

63. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 63 of the Complaint.

64. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 64 of the Complaint.

65. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 65 of the Complaint.

66. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 66 of the Complaint.

67. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 67 of the Complaint.

68. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 68 of the Complaint.

69. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 69 of the Complaint.

70. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 70 of the Complaint.

71. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 71 of the Complaint.

72. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 72 of the Complaint.

73. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 73 of the Complaint.

74. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 74 of the Complaint.

75. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 75 of the Complaint.

76. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 76 of the Complaint.

77. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 77 of the Complaint.

78. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 78 of the Complaint.

79. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 79 of the Complaint.

80. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 80 of the Complaint.

81. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 81 of the Complaint.

82. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 82 of the Complaint.

83. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 83 of the Complaint.

84. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 84 of the Complaint.

85. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 85 of the Complaint.

86. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 86 of the Complaint.

87. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 87 of the Complaint.

88. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 88 of the Complaint.

89. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 89 of the Complaint.

90. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 90 of the Complaint.

91. Defendant denies the allegations in Paragraphs 92 through 126 as it pertains to him, and Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations as to the other answering defendants; Defendant respectfully avers all questions of law to this Court.

92. Defendant denies the allegations in Paragraphs 127 through 131 as it pertains to him, and Defendant lacks knowledge or information sufficient to form a belief as to the truth of

the allegations as to the other answering defendants; Defendant respectfully avers all questions of law to this Court.

93. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 132 through 139 and Defendant respectfully avers all questions of law to this Court.

94. Defendant denies the allegations in Paragraphs 140 through 146 as it pertains to him, and Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations as to the other answering defendants; Defendant respectfully avers all questions of law to this Court.

95. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 147 through 152 and Defendant respectfully avers all questions of law to this Court.

96. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 153 through 156 and Defendant respectfully avers all questions of law to this Court.

97. Defendant denies the allegations in Paragraphs 157 through 161 as it pertains to him, and Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations as to the other answering defendants; Defendant respectfully avers all questions of law to this Court.

98. Defendant denies the allegations in Paragraphs 162 through 170 as it pertains to him, and Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations as to the other answering defendants; Defendant respectfully avers all questions of law to this Court.

99. Defendant denies the allegations in Paragraphs 171 through 175 as it pertains to him, and Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations as to the other answering defendants; Defendant respectfully avers all questions of law to this Court.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

100. Plaintiffs' claims are barred by the applicable statute of limitations.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

101. Plaintiffs' damages were caused and/or are mitigated by his culpable conduct.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

102. Plaintiffs' claims are barred by the doctrine of laches, waiver, assumption of risk, unjust enrichment and unclean hands.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

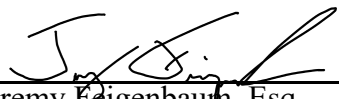
103. Plaintiffs' Complaint fails to state a claim upon which relief may be granted.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

104. Defendants hereby gives notice that it intends to rely upon such other and further defenses as may become available during discovery in this action and reserves the right to amend its Answer to assert any such defenses.

WHEREFORE, Defendant requests judgment dismissing Plaintiff's Complaint with prejudice, and any other relief as this Court may deem just and proper.

DATED: New York, New York
January 24, 2023



Jeremy Eigenbaum, Esq.

SPODEK LAW GROUP P.C.
Attorneys for Defendant K. Chan
85 Broad Street, 17th Floor
New York, NY 10004
(347) 292-8630

TO: All Parties (Via *ECF*)

CM/ECF CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 2023, a true and correct copy of the foregoing ANSWER was served on the following counsel of record in this action via CM/ECF.

Dated: January 24, 2023

_____/s/_____
Jeremy G. Feigenbaum, Esq.